

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON MAY 7, 2007, AT 5:30 P.M.

**PRESENT: CHIVOUS BRADLEY, CHAIRMAN
PAUL MCINTOSH, VICE CHAIRMAN
MARGARET HELTON
CHARLES HILL
BRENT WASHBURN**

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CALL TO ORDER\ADOPTION OF AGENDA

Chairman Bradley called the meeting to order. He read the list of changes and additions to the agenda and asked for a motion to approve the agenda as amended. Commissioner Hill made a motion to adopt the agenda. Commissioner Washburn seconded the motion. The motion was unanimously approved.

Addition to the agenda:

- Bids for Bugger Hollow Road Lift Station Project

INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Bradley gave the invocation. Commissioner Hill led in the Pledge of Allegiance.

PUBLIC HEARING\SECONDARY ROAD IMPROVEMENT\RESOLUTION

Chairman Bradley opened the public hearing for the Department of Transportation to present its 2007-2008 plans for secondary road construction and to receive comments on these plans. Mr. Doug McNeal introduced other members of the division staff and presented the list of roads as they are prioritized for pavement, for a total of \$2.6 million in Rutherford County. Included in the proposals in addition to the paving of roads are four safety projects.

Vice Chairman McIntosh asked why the paving of Melton Road seems to move down on the priority list. Mr. McNeal said that the formula for prioritizing roads is the same across the state and is based on usage of the road. He said Melton Road's priority has been the same since 2004.

No one else wished to speak.

Chairman Bradley declared the public hearing closed. Commissioner Hill made a motion to adopt the resolution approving secondary road construction program for 2007-2008. Vice Chairman

McIntosh seconded the motion. The resolution was unanimously approved. (A copy of the resolution is typed in the Minute Book.)

<p>PUBLIC HEARING\INCENTIVE AGREEMENT FOR UNITED SOUTHERN INDUSTRIES AND UNNAMED EXISTING INDUSTRY</p>

Mr. Greg Parke, plant manager at Continental AFA, said with the approval of the incentive grant, his company intends to expand operations at their Forest City location and to add local jobs. Continental AFA is in the process of consolidation but because of the favorable treatment they have received in Rutherford County, the Forest City location will not face closure.

Mr. Tom Johnson of the EDC described the background of the incentive package. When the notification was received of the possible closure of the local AFA plant, the EDC put together a team to identify and resolve any problems the company had with the Rutherford County location. The first issue was rail service, and in combination with United Southern Industries and Ecoresin, a plan was devised to increase rail usage, make needed repairs, and keep the rail operations solvent. To deal with the issue of maintenance, Don McGrady wrote a grant application which will be funded with \$100,000 from the state, \$25,000 from Thermal Belt Rail and \$50,000 from the county to match \$50,000 from United Southern in a new incentive agreement. This will supersede the existing agreement with USI. In addition, grants have been awarded from Work Force and Job Training and Carolina Investment Fund from Duke Power. The Town of Forest City will be asked to provide \$75,000.

Ms. Cindy Messer from the NC Department of Commerce read a letter from the Governor awarding \$120,000 from the One North Carolina Fund.

Commissioner Helton expressed concern that former full-time employees at USI believed they had been laid off so that new employees could be hired. Manager Condrey said that the new agreement with USI has no requirements for job creation attached to it.

Commissioner Washburn made a motion to approve the amended incentive agreement with United Southern Industries, superceding agreements made in 2005 and 2006, to make an industrial development grant in the amount of \$50,000, to be matched by an equal amount of company financing, to provide a portion of the cost to purchase, install and improve infrastructure necessary to restore rail service the USI plant in Forest City. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Commissioner Helton made a motion to approve the incentive agreement with Continental AFA in the amount of \$25,000 per year over ten years, the first year to be paid in 2008 and subsequent years based on jobs retained and capital investment. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Commissioner Washburn made a motion to approve the Resolution of Support endorsing the rail project. Commissioner Hill seconded the motion. The motion was unanimously approved.

**RESOLUTION IN SUPPORT OF
CONTINENTAL AFA
TO EXPAND A MANUFACTURING FACILITY
IN RUTHERFORD COUNTY, NORTH CAROLINA**

WHEREAS, Continental AFA is considering expanding a manufacturing facility at 135 Pine Street, Forest City, North Carolina; and

WHEREAS, Continental AFA proposes to invest \$43 million and to employ at least 40 additional persons when the company is fully expanded and to retain the existing 163 employees;

WHEREAS, Continental AFA plans are consistent with local land use and state and local transportation plans.

WHEREAS Continental AFA plans conform with all applicable state and local ordinances and policies.

WHEREAS, Rutherford County is committed to work with the NCDOT in a leadership role to make transportation improvements that address the safety needs of the public, and contractors and employees of Continental AFA.

NOW, THEREFORE, BE IT RESOLVED by Rutherford County

Section 1: Rutherford County supports the location of Continental AFA in Rutherford County, and confirms that its plans are consistent with and conform with state and local laws, plans and policies.

Section 2: Rutherford County endorses the application of Continental AFA to request financial support for the North Carolina Department of Transportation to assist in the funding of a rail industrial access track to serve Continental AFA.

Section 3: Rutherford County commits to work with the NCDOT to make needed transportation improvements necessary to protect the safety of the public, and contractors and employees of Continental AFA.

Vice Chairman McIntosh made a motion to approve the \$50,000 county portion for the rail project. Commissioner Hill seconded the motion. Manager Condrey explained that these funds will be allotted in the 2007-2008 county budget; in the event that they are needed prior to the end of the current fiscal year, the Commissioners may be asked to approve a budget amendment. The motion was unanimously approved.

PUBLIC INFORMATION/ LANDFILL

Chairman Bradley stated that the Board would now hear Mr. David Garrett who had worked with Rutherford County for some time on the landfill operation to provide receive information concerning the development of a lined municipal solid waste landfill at the site of the closed landfill.

Mr. Garrett presented a proposal to apply to the state for the Laurel Hill location to be permitted as a municipal solid waste landfill with a construction and demolition landfill. He explained that the operations of the facility will not change, but that this action will keep the option open of establishing a lined landfill in the future if the county determines to do so. He also presented a plan for the expansion of the C&D permit and for authorizing adjoining counties to contract with Rutherford

County for the disposal of their waste. He emphasized that these actions would not commit the county to anything, but would open the way for a wider range of options in the future.

Manager Condrey noted that waste is now being hauled out of the county under a contract that runs through 2010. He anticipated that when that contract comes up for renewal there may be a significant increase in the cost of that service.

Commissioner Hill commented that with the growth of new home construction the C&D landfill may not be as adequate as current projections suggest. Mr. Garrett said that it is unlikely that C&D materials would be brought in because of the cost of hauling and the fact that other counties have their own C&D facilities. The expansion of the service area would apply only to municipal solid waste destined for a lined landfill.

PUBLIC HEARING/SOLID WASTE LANDFILL

Chairman Bradley declared the public hearing open to hear public comments concerning plans to develop a lined municipal solid waste landfill at the site of the closed landfill.

No one wished to speak.

Chairman Bradley declared the public hearing closed.

Commissioner Washburn made a motion to approve application to the state for a facility plan amendment for Rutherford County to be permitted as a municipal solid waste facility with a construction and demolition unit, an existing transfer station, and an approved future MSW landfill. Commissioner Hill seconded the motion. The motion was unanimously approved.

Vice Chairman McIntosh made a motion to approve a new amended facility plan that would show the lined solid waste unit and expansion of the C&D landfill. He stipulated that action by the Commissioners at this time does not commit the county to fulfilling the plan. Commissioner Hill seconded the motion. The motion was unanimously approved.

Commissioner Washburn made a motion to revise the plan so that it includes the option of providing landfill service to adjoining North Carolina counties if such service is found to be desirable at some future time. Commissioner Hill seconded the motion. The motion was unanimously approved.

PUBLIC COMMENTS

Chairman Bradley opened the floor for public comments.

Mr. Fred Noble spoke about the increase in property appraisals, which he questioned. He urged the Commissioners to look into the procedures used by the tax assessor to establish the new values.

Mr. Roger Richard asked that members of the Equalization and Review Board who had be involved in his earlier appeal in 2006 be removed from hearing his 2007 appeal.

CONSENT AGENDA

Commissioner Washburn made a motion to approve the consent agenda. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Minutes

By consent, the minutes of the April 2, 2007, meeting were approved.

Road Resolution

By consent, the proposed addition of Sherwood Drive, which has been agreed to by the State Department of Transportation, was approved.

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM**

North Carolina

County of Rutherford

New addition of Sherwood Drive. Begin project at survey station 0+00 in the center of SR 1520, 0.03 miles southwesterly of SR 1535, thense in a southeasterly direction for a distance of 721 feet, 0.14 miles to the end of project at survey station 7+21

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Rutherford requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Rutherford that the Division of Highways is hereby requested to review the above-described road, and to take over the road for maintenance if it meets established standards and criteria.

Tax Refunds and Releases

By consent, tax refunds of \$1,468.96 (revised) and tax releases greater than \$100 totaling \$8,922.52 as outlined by Tax Administrator Rick Johnson were accepted. Tax releases of amounts less than \$100, which totaled \$2,835.41, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

PROCLAMATION EMERGENCY SERVICES WEEK

Commissioner Helton made a motion to adopt the proclamation designating May 20-26 as "Emergency Services Week." Commissioner Hill seconded the motion. The motion was unanimously approved.

EMERGENCY MEDICAL SERVICES WEEK

2007

BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

A PROCLAMATION

WHEREAS, Rutherford County's Emergency Medical Services system is a vital public service; and

WHEREAS, the members of the Emergency Medical Services team are ready to provide life sustaining care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, during the past thirty years, the quality of emergency care has dramatically improved the survival and recovery rate of those who experience sudden illnesses or injury; and

WHEREAS, Rutherford Countians benefit daily from the dedicated efforts, knowledge and skills of the emergency medical team: technicians; paramedics; emergency nurses; emergency physicians; rescue squad workers; fire fighters; public safety telecommunicators; public information, education, and relations specialists; emergency vehicle maintenance technicians; administrators, educators, and officers who received specialized training and continuing education to enhance and maintain their lifesaving skills; and

WHEREAS, injury prevention and the appropriate use of the Emergency Medical Services system will help reduce health care costs; and

WHEREAS, to recognize the value and accomplishments of Emergency Medical Services teams, we set aside a special period to observe the contributions of these men and women to our people and county.

NOW, THEREFORE, I, Chivous Bradley, Chairman of the Rutherford County Board of Commissioners, do hereby proclaim May 20 – 26, 2007 as

"Emergency Medical Services Week"

in Rutherford County, and call upon all citizens to observe this period with appropriate programs and activities.

NUSIANCE/UNSIGHTLY PROPERTY

Vice Chairman McIntosh reminded the Board that recent discussions had been held about unsightly property in Rutherford County that is a nuisance. He cited particular properties that he had viewed. He asked that the county manager and county attorney look at applicable ordinances to see what modifications need to be made that could address this problem. Manager Condrey reported that a meeting is planned with the health department, solid waste department, planning department, and legal counsel participating.

UPDATE/FOOTHILLS CONNECT

Mr. Fred Bayley, chair of the Foothills Connect Business and Technology Center board, presented a report on efforts to create connectivity in the county. In response to a question from Vice Chairman McIntosh, Mr. Bayley said that the final details for a sustainable revenue source for Foothills Connect will be available soon.

2007 LONG RANGE BUILDING STUDY

Recently a study of long range building needs had been presented to the County Commissioners. Manager Condrey made a suggestion that the Commissioners defer focusing on this study until after July 1.

BUDGET AMENDMENTS

Ms. Paula Roach of the Finance Department presented and explained the budget amendments.

Commissioner Hill made a motion to approve the budget amendments. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

BUDGET AMENDMENTS May 7, 2007

	Expense	Revenue
GENERAL FUND		
Sheriff - equipment purchased with seizure funds	\$ 7,684	
Drug Seizure/Controlled Substance Tax Distribution		\$ 4,525
Fed/State Forfeited Funds		\$ 3,159
Sheriff - Road Patrol Equipment/Supplies	\$ 1,000	
Sheriff Donations - Walmart		\$ 1,000

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Dentention - Medical Aid and Supplies	\$ 12,000	
Dentention - Medical Aid and Supplies/Doctor-Hospital Invoices	\$ 11,992	
Fund Balance Appropriated		\$ 23,992
Senior Center - General Purpose Expense	\$ 5,123	
Senior Center Grant - Fed/General Purpose		\$ 5,123
Senior Games Expense	\$ 1,057	
Senior Games Donations		\$ 1,057
Building Inspections - Vehicle Maintenance/Repairs	\$ 876	
Insurance Claims and Dividends		\$ 876
EDC - Professional Services Client Development	\$ 10,480	
Advantage West - EDC Reimbursement		\$ 10,480
School Capital Projects		
<i>* Letters from School Board Attached</i>		
Forrest Hunt Elem - Tile	\$ 9,946	
Chase High School - Heating Unit in Field House	\$ 1,466	
Old Ellenboro Elem - Roof Repairs	\$ 16,654	
East High - Intercom System	\$ 14,125	
Future Projects - 2/3 Bonds Proceeds	\$ (42,191)	
Forest City/Dunbar - Furniture and Equipment	\$ 66,586	
Forest City/Dunbar - General Construction	\$ (7,673)	
Forest City/Dunbar - Professional Services	\$ (22,188)	
Forest City/Dunbar - Contingency	\$ (36,725)	
Harris Elementary - Furniture and Equipment	\$ 24,842	
Harris Elementary - General Construction	\$ 19,539	
Harris Elementary - Professional Services	\$ (44,381)	
Chase High Gym Floor - General Construction	\$ (44,185)	
Future Projects - 2/3 Bonds Proceeds	\$ 44,185	
Chase High Roof - Professional Services	\$ 2,400	
Chase High Roof - General Construction	\$ 10,855	
Chase High Roof - Contingency	\$ (13,255)	
East High Roof - Professional Services	\$ 5,250	
East High Roof - Contingency	\$ (5,250)	
Total	\$ 50,212	\$ 50,212

CAPITAL FINANCE PLANNING & ADVISORY COMMITTEE/WATER AND SEWER FUNDING PROGRAM

Commissioner Washburn told the Board that he had a financial interest in one of the projects recommended by the Capital Planning and Finance Advisory Committee. Therefore, he asked that the Board excuse him from participating in the discussion and voting on this issue. The consensus of the Board was to excuse Commissioner Washburn.

Manager Condrey reported that the Capital Planning and Finance Advisory Committee has recommended the approval of four new projects in Rutherford County along with a request by Broad River Water Authority that previously approved funds be reallocated to projects with greater participation. Hunting Drive and Highway 120 has a greater commitment of participation than projects slated for Old Stonecutter Road and Pate/Davenport Road. The shift in funding would show practically no cost difference and would have a greater number of residents accessing the public Water.

Commissioner Hill made a motion to approve four new applications for projects located along Edwards St. Ext., Hwy 221 to Poors Ford Rd., Old Calvary Ch Rd, and Hollis Road, with the Hollis Rd and Edwards St. Extension receiving immediately available funds from the 2/3's bonds, which has money available in the current year. He also moved that the Board River Water Authority be allowed to proceed with redirecting the previous year's funding in accordance with their request. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved, with Commissioner Washburn abstaining.

2007-2008 BUDGET PLANNING

Mr. Condrey reviewed the proposed calendar of meetings along with a request that the Board approved a date for the public hearing.

Commissioner Hill made a motion to call for a public hearing on the proposed budget on June 4, 2007 and to approve the budget calendar as presented. Commissioner Helton seconded the motion. The motion was unanimously approved.

BUGGER HOLLOW LIFT STATION\THIEMAN METAL TECHNOLOGIES

Vice Chairman McIntosh made a motion to approve the contract with Appling Boring which was the low bidder at \$243,297 for construction of the lift station for Thiemman Metal Technologies contingent on review by the engineer and the county attorney. Commissioner Hill seconded the motion. The motion was unanimously approved.

Other bids were:

C & W Utilities	\$313,441.25
Marvin Hoyle Construction	\$320,120.00
Kennedy Concrete	\$391,486.15
Hobson Construction	\$440,190.00

RUTHERFORD 74 CORPORATE CENTER/FINANCING

Finance Director Scherer reported that Wachovia Bank had the low bid among four bids submitted for the financing of the Corporate 74 project. She presented financing documents in draft form and said that the LGC has these documents and will have to approve them. Bids were:

Financial Institution	Term	Interest Rate	Legal Expenses	Total Principal	Total Interest	Total Payments
Bank of America	15 Years	6.33%	Not to exceed \$2,500	\$1,615,000	\$784,895.36	\$2,399,895.36
BB&T Governmental Finance	15 Years	6.56%	Not to exceed \$2,300	\$1,615,000	\$860,621.54	\$2,475,621.54
RBC Centura	15 Years	7.03%	Not to exceed \$1,500	\$1,615,000	\$879,892.34	\$2,494,892.34
Wachovia	15 Years	5.59%	Not to exceed \$1,500	\$1,615,000	\$706,496.08	\$2,321,496.08

Chairman Bradley introduced the following resolution, a summary of which had been provided to each Commissioner, a copy of which was available with the Clerk to the Board and which was read by title:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND A DEED OF TRUST WITH RESPECT THERETO AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the County of Rutherford, North Carolina (the “County”) is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the “State”);

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the “Board of Commissioners”) has determined that it is in the best interest of the County to (a) enter into an installment financing contract (the “Contract”) with Wachovia Bank, National Association (the “Bank”) in order to pay the capital costs of (1) site preparation of land owned by the County to be developed as an industrial park, (2) capital expenses ancillary thereto, and (3) professional

services associated with the development of the industrial park (collectively, the "*Projects*") and (b) create a security interest in the real property improved and purchased in conjunction with the Projects (the "*Sites*") and any improvements thereon (together with the Sites, the "*Premises*") through a deed of trust and security agreement (the "*Deed of Trust*");

WHEREAS, the Projects will be owned and operated by the County;

WHEREAS, the Board adopted a resolution on March 5, 2007 making certain findings with respect to the Projects and the proposed financing therefor;

WHEREAS, the Board conducted a public hearing with respect to the Projects on April 2, 2007 to receive public comments on the Projects, the proposed financing, the Contract and the Deed of Trust;

WHEREAS, the County has filed an application with the LGC for approval of the LGC with respect to the County entering into the Contract in an aggregate principal amount of not to exceed \$1,615,000;

WHEREAS, there has been presented to the Board the forms of the Contract and the Deed of Trust (collectively, the "*Instruments*"), copies of which are attached hereto, which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Instruments; and

WHEREAS, it appears that each of the Instruments is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the County, the County Manager, the Finance Director of the County and the Clerk to the Board and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Approval, Authorization and Execution of Contract.*** The County hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The County hereby approves the amount advanced by the Bank to the County pursuant to the Contract in an aggregate principal amount not to exceed \$1,615,000, such amount to be repaid by the County to the Bank as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the Chairman, the County Manager, the Finance Director of the County and the Clerk to the Board or their respective designees are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, the Chairman, the County Manager, the Finance Director of the County and the Clerk to the Board or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all

such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. **Approval, Authorization of Deed of Trust.** The form, terms and content of the Deed of Trust are in all respects authorized, approved and confirmed, and the Chairman, the County Manager, the Finance Director of the County and the Clerk to the Board or their respective designees are authorized, empowered and directed to execute and deliver the Deed of Trust for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Deed of Trust, the Chairman, the County Manager, the Finance Director of the County and the Clerk to the Board or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 4. **Further Actions.** The County Manager, the Chairman of the Board and the Finance Director of the County are hereby designated as the County's representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and the County Manager, the Chairman of the Board and the Finance Director of the County are authorized and directed to proceed with the Projects in accordance with the terms of the Instruments, and to seek opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Chairman, the County Manager and the Finance Director of the County are hereby authorized to designate one or more employees of the County to take all actions which the Chairman, the County Manager and the Finance Director of the County are authorized to perform under this Resolution, and the Chairman, the County Manager, the Finance Director of the County or their designees are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. The Chairman of the Board, the County Manager, the Finance Director of the County and the Clerk to the Board are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 7. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. **Effective Date.** This Resolution is effective on the date of its adoption.

On motion of Commissioner Hill, seconded by Vice Chairman McIntosh, the foregoing resolution entitled "**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND A DEED OF TRUST WITH RESPECT THERETO AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**" was duly adopted by the following vote:

AYES: Commissioners Bradley, McIntosh, Helton, Hill, and Washburn

NAYS: None

Vice Chairman McIntosh made a motion to approve the Deed of Trust and Security Agreement, and the Installment Financing Contract with Wachovia Bank. Commissioner Hill seconded the motion. The motion was unanimously approved.

CLOSED SESSION/ATTORNEY-CLIENT/G.S. 143-318.11(a)(3)

Commissioner Helton made a motion to go into closed session to discuss attorney-client matters. Commissioner Hill seconded the motion. The motion was unanimously approved.

7:32 P.M. - The Board went into Closed Session.
8:02 P.M. - The Board returned to regular session.

ADJOURNMENT

Chairman Bradley declared the meeting adjourned.

Adjournment at 8:02 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners